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7 [mgliner@glinerlaw.com](mailto:mgliner@glinerlaw.com)  
8 Attorney for Plaintiff

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARY J. SOTO

Plaintiff,

vs.

VERIZON WIRELESS SERVICES, LLC  
a Foreign Limited-Liability Company

Defendant.

No.

**COMPLAINT**  
**JURISDICTION**

1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiffs' claims arose from acts of the Defendant perpetrated therein.

**PRELIMINARY STATEMENT**

2. The Plaintiff brings this action for damages based upon Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 *et seq.* (hereinafter referred to as "FCRA").

3. Plaintiff is a natural person and is a resident and citizen of the State of Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the FCRA.

4. Defendant, Verizon Wireless Services, LLC is a furnisher of information as contemplated by FCRA § 1681s-2(a) & (b), who regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about consumer transactions or experiences with any consumer.

## FACTUAL ALLEGATIONS

5. Plaintiff's creditworthiness has been repeatedly compromised by the acts, obduracy and general indifference of Defendant.

6. In 2019 Plaintiff contracted with Defendant for wireless services.

7. Later in 2019, Plaintiff and Defendant mutually agreed to cancel the agreement with nothing owed.

8. The cancellation agreement stemmed from Defendant's repeated failures to provide services.

9. Despite the explicit agreement the contract was canceled with a zero (0) balance, Defendant sent Plaintiff its October 16, 2019 invoice for \$1,706.46.

10. Plaintiff called Defendant and was again summarily advised nothing was owed and to disregard Defendant's \$1,706.46 invoice.

11. Plaintiff was advised by Defendant's numerous representatives that absolutely nothing was owed—let alone \$1706.46.

12. Notwithstanding, during June, 2020 Plaintiff learned Defendant had somehow erroneously placed a \$173 *collection account* on her otherwise excellent credit profiles.

13. Instead of simply zeroing out Plaintiff's account as agreed, Defendant somehow internally deducted \$1,533.00 from its prior \$1706.46 demand.

14. Defendant then inexplicably reported its purported \$173 collection account on Plaintiff's reports *without first advising Plaintiff*.

15. On August 27, 2020 Plaintiff disputed Defendant's reporting (Exhibits 1 and 2).

16. On October 1, 2020 Defendant “verified” its inaccurate reporting (Exhibit 3).

1           17.     On October 3, 2020 Defendant again “verified” its inaccurate reporting (Exhibit  
2     4).

3           18.     Attached to Exhibits 1 and 2 are copies of Defendant’s October 16, 2019  
4     \$1,706.46 invoice.

5           19.     The copies reflect contemporaneously scribed notes corresponding to Plaintiff’s  
6     contacts with several of Defendant’s representatives.

7           20.     These representatives were the individuals who confirmed Plaintiff’s former  
8     account indeed had a zero (0) balance.

9           21.     The copies reflect explicit details regarding the confirmations.

10          22.     Plaintiff has no way of knowing, short of discovery, precisely how Plaintiff’s  
11     dispute was conveyed to Defendant, *but is entitled to a presumption it did so.* Shulick v.  
12     Experian, 2011 WL 4346335 (E.D.Pa.), Fishback v. HSBC Retail Services Inc., 944 F.Supp.2d  
13     1098, 1113 (D. New Mexico 2013).

14          23.     In its indifference, Defendant ignored basic credit reporting industry standards.  
15     Cassara v. DAC Services, Inc., 276 F.3d 1210, 1225 (10<sup>th</sup> Cir. 2002).

16          24.     In failing to correct Plaintiff’s tradeline, Defendant continued to report *patently*  
17     *inaccurate* information in violation of the FCRA. Drew v. Equifax Information Services, LLC,  
18     690 F.3d 1100, 1108 (9<sup>th</sup> Cir. 2012).

19          25.     In failing to appropriately revise Plaintiff’s tradeline, Defendant provided  
20     *misleading* information which likewise violated the FCRA, Drew v. Equifax Information  
21     Services, LLC, 690 F.3d 1100, 1108 (9<sup>th</sup> Cir. 2012).

22          26.     Defendant was precluded from making any report either patently wrong or  
23     “missing crucial data” or otherwise misleading. Kuns v. Ocwen Loan Servicing, LLC, 611  
24     Fed.Appx. 398 (U.S. Ct. of Appeals, Ninth Circuit 2015).

25          27.     Defendant violated FCRA § 1681s-2(b)(1)(E)(i) in its failure to provide additional  
26     information explicating the status of Plaintiff’s account. Bush v. Roundpoint Mortg. Servicing  
27     Corp., 122 F.Supp.3d 1347, 1351 (2015).

28. Plaintiff has suffered meaningful emotional distress including, but not limited to, excessive worry, frustration, sleeplessness, anger, humiliation, embarrassment, chagrin and other mental anguish as a direct result of Defendant's conduct. McCollough v. Johnson, Rodenburg & Lauinger, LLC, 637 F.3d 939, 957 (9<sup>th</sup> Cir. 2011).

**STATEMENT OF CLAIM AS AGAINST DEFENDANT**


29. In the entire course of its action, Defendant willfully and/or negligently violated the provisions of the FCRA in the following respects:

- a. By willfully and/or negligently failing to comport with FCRA § 1681s-2(b).

**PRAYER FOR RELIEF**

THEREFORE, Plaintiff prays that the court grant the following relief as against Defendant:

- a) actual damages;
- b) punitive damages;
- c) attorney's fees; and
- d) costs.



MITCHELL D. GLINER, ESQ.  
Nevada Bar #003419  
3017 W. Charleston Blvd. #95  
Las Vegas, Nevada 89102  
Attorney for Plaintiff

August 27, 2020

**CERTIFIED MAIL**

Trans Union LLC  
P.O. Box 2000  
Chester, PA 19016

Re: Soto, Mary J. / Dispute

Dear Sir,

This letter is a Dispute. I have attached an excerpt from my recent credit profile. I have also enclosed copies of my Social Security card, Driver License and proof of medical insurance. My attorney helped me prepare this letter to ensure you have all of the information you need to appropriately address my concerns. I have personally reviewed, approved and signed this letter.

I provide my personal information: Mary J. Soto; Spouse: n/a; current address: ;  
; prior address: 1778 Quiver Point Avenue, Henderson, NV 89012; SSN ; date of birth:  
1963.

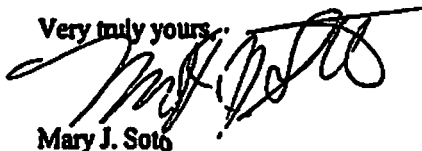
Please delete the three (3) Transworld Systems (TS) collection accounts. I am a Theft of Identity (TOI) victim and none of the accounts are mine and are erroneously reported. I've included my 8/21/20 Police Report which details the theft. I received none of the medical treatment corresponding to the TS accounts. The services were apparently provided by Shadow Emergency Physicians with whom I've never dealt. Further, I have ample medical insurance as reflected by my enclosed proof of insurance. Please delete the three (3) fraudulent TS accounts.

Please likewise delete the \$173 Verizon Wireless collection account. During 2019, I originally contracted with Verizon for multiple phones and lines. There was horribly limited to no coverage at all and, after extensive contacts spanning approx. five (5) months, we agreed to cancel the contract with a zero (0) balance. Notwithstanding, I received the enclosed 10/16/19, \$1,076.46 invoice. I again called Verizon and again received assurances the account was zeroed out and no balance owed (all phones and other hardware had long been dutifully returned). *At no time have I paid Verizon anything.* The next thing I knew, a greatly reduced \$173 collection account somehow appeared on my enclosed report despite Verizon's serial representations to the contrary.

Last, please revise the Round Point Mortgage account to reflect a current payment history with no delinquencies. All payments were timely made.

Thank you in advance for your anticipated courtesy.

Very truly yours,



Mary J. Soto

Enclosures

EXHIBIT 1

**verizon**

PO BOX 489  
NEWARK, NJ 07101-0489

Billing period  
Account number  
Invoice number

Sep 17, 2019 - Oct 16, 2019  
673565998-00001  
9236254565



MARY SOTO

80379772  
N110

See last page for payment options.  
Questions? Visit [vzw.com/contactus](http://vzw.com/contactus)

*CBE Group, Karen Edmondson*  
*Dispute address*  
*CBE Group 2635*  
*PO Box Waterloo, IA 50704*  
*Act # 21-74396354*

**Hi Mary, here's your bill for this month.**



Balance past due

\$1,706.46



Margaret Duray 702.308.0482

page 2

\$0.00

Total due

**\$1,706.46**

\$1,706.46 due immediately

*8-19-20 850a*  
*Juthe*  
*ID: EVANGLU*

*Anna P. 8785940*  
*Rep 10# 11/18/19*

*Quality assurance*  
*100% credit validation*  
*w/ 24hr - 72 hrs*  
*by 11/21*  
*6878*



August 27, 2020

**CERTIFIED MAIL**

Equifax Information Services LLC  
P.O. Box 740241  
Atlanta, GA 30374

Re: Soto, Mary J. / Dispute

Dear Sir,

This letter is a Dispute. I have attached an excerpt from my recent credit profile. I have also enclosed copies of my Social Security card, Driver License and proof of medical insurance. My attorney helped me prepare this letter to ensure you have all of the information you need to appropriately address my concerns. I have personally reviewed, approved and signed this letter.

I provide my personal information: Mary J. Soto; Spouse: n/a; current address: ; prior address: 1778 Quiver Point Avenue, Henderson, NV 89012; SSN . ; date of birth: 1963.

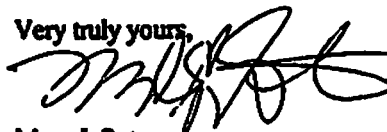
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Very truly yours,



Mary J. Soto

Enclosures

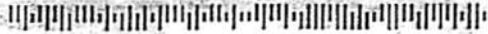
EXHIBIT 2

**verizon**

PO BOX 489  
NEWARK, NJ 07101-0489

Billing period  
Account number  
Invoice number

Sep 17, 2019 - Oct 16, 2019  
673565998-00001  
9236254565



MARY SOTO

88379772

N119

See last page for payment options.  
Questions? Visit [vzw.com/contactus](http://vzw.com/contactus)

*CBE Group, Karen Edmondson*  
*Dispute address*  
*CBE Group 2635*  
*PO Box Waterloo, IA*  
*50704*  
*Act # 21-74396354*

**Hi Mary, here's your bill for this month.**



Balance past due

\$1,706.46



Margaret Duray 702.308.0482

page 2

\$0.00

Total due

**\$1,706.46**

\$1,706.46 due immediately

*8-19-20 850a*  
*Juthe*  
*ID: EVANGLU*  
*Anna D. 878-5940*  
*Rep 10/11/19*  
*100% quality assurance*  
*credit validation*  
*w/ 24hr - 72 hrs*  
*by 11/21*  
*6878*



\*\*\* 343442361-027 \*\*\*  
TransUnion LLC  
PO Box 805  
Woodlyn, PA 19094-0805



10/01/2020



PCV8GN00300537-008877-074691961

|||||  
MARY J. SOTO

Dear MARY SOTO,

We understand that recently something on your credit report did not seem right to you. We take this matter seriously, and we want to make sure your TransUnion credit report is accurate. It's our commitment to you.

Our investigation of the dispute you submitted is now complete. After a review of your dispute and any provided documentation, we took one or more of the following action(s):

1. Updated your credit report based on the information you provided; OR
2. Determined that the information you disputed either does not appear on your credit file or already shows the requested status; OR
3. Determined that the data furnisher had previously verified the reported information. If any of the items you disputed were previously verified, a separate communication was sent to you listing those items along with the data furnisher's contact information; OR
4. Asked the data furnisher reporting the information you disputed to do all of the following:
  - Review relevant information we sent them, including any provided documents
  - Investigate your dispute and verify whether the information they report is accurate
  - Provide us a response to your dispute and update any other information
  - Update their records and systems, if necessary

Your dispute is important. In the pages that follow, you will see your detailed investigation results, including the name and contact details of the source of the information. Please review the results carefully. In addition, a full copy of your credit report is being sent in a separate envelope.

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### How to Read Your Investigation Results

You will see that, for each disputed item, a summary explanation appears in the gray box, followed by a brief paragraph describing the results of our investigation, followed by a view of how the item appears in your updated credit report. Please note any changes we made to personal information (name, address, employment, SSN, date of birth) will appear at the end of Your Investigation Results.

File Number: 343442381  
 Date Issued: 10/01/2020

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**INVESTIGATION RESULTS - VERIFIED AS ACCURATE AND UPDATED:** The disputed item(s) was verified as accurate; however, other information has also changed.

**VERIZON WIRELESS #6735659980\*\*\*\*** ( PO BOX 650051, DALLAS, TX 75265, (800) 852-1922 )

We investigated the information you disputed and the disputed information was **VERIFIED AS ACCURATE**; however, we updated: **Date Updated; Original Charge-Off; Date Closed; Rating; Payment Received**. Here is how this account appears on your credit report following our investigation.

Date Opened:	07/19/2019	Balance:	\$173	Pay Status:	>In Collection<
Responsibility:	Individual Account	Date Updated:	01/30/2020	Date Closed:	12/30/2019
Account Type:	Open Account	Payment Received:	(\$0)		
Loan Type:		High Balance:	\$173		
	TELECOMMUNICATIONS/CELLULAR	Original Charge-off:	\$173		
		Past Due:	>\$173<		

Remarks: ACCT INFO DISPUTED BY CONSUMER; >PLACED FOR COLLECTION<

Estimated month and year that this item will be removed: 08/2026

	12/2019	11/2019	10/2019	09/2019	08/2019
Rating	X	X	X	X	X

.....

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45000000 7 00 00000000000000000000 0000 1000 0000 00000000



**CREDIT FILE : October 03, 2020**

**Confirmation # 0249002444**

**Dear MARY JASPER SOTO:**

We are pleased to let you know that the results of the dispute you recently filed with Equifax are complete. Here are a few things to know about the process:

**Were changes made to my credit report and what actions were taken?**

Please see the following page(s) for more detailed information on your specific results.

If we were able to make changes to your credit report based on the information you provided, we have done so. Otherwise, we contacted the company reporting the information to Equifax for them to investigate your dispute.

**In this situation:**

- We request that the reporting company verify the accuracy of the information you disputed;
- We provide them with any relevant information and supporting documentation you provided us with the dispute to consider as part of the investigation; and
- We request that they send Equifax a response to your dispute and update their records and systems, as necessary.

If your dispute involves a public record item, Equifax contacts a third party vendor to obtain the most recent status of the public record.

**How do I know that all of this is happening?**

When the reporting company replies to us, they certify that they have followed Equifax's instructions and the law, considered all information and documentation provided, and updated your information, as necessary.

**What should I do if I do not agree with the results of the investigation?**

You have a few options:

- You may add a statement of up to 100 words (200 words for Maine residents) to your credit report. If you provide a consumer statement that contains

(Continued On Next Page)

Page 1 of 6

0249002444-IP2-0838010600000000-10032020



000009317-DISC  
MARY JASPER SOTO

000001179 FECE000001005200000628 01 000000 003087 003

P.O. Box 105518  
Atlanta, GA 30348

**EXHIBIT 4**

4900000 1 00 00000000000000000000 0000 0000 555 20 64110000

have additional questions about this item please contact: **TRANSWORLD, PO Box 15609, Wilmington, DE 19850-5609 Phone: (877) 865-7686**

**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by 7) (This section includes open and closed accounts reported by: credit grantors)

Account History Status Code Descriptions	1 : 30-59 Days Past Due 2 : 60-89 Days Past Due 3 : 90-119 Days Past Due 4 : 120-149 Days Past Due	5 : 150-179 Days Past Due 6 : 180 or More Days Past Due G : Collection Account H : Foreclosure	J : Voluntary Surrender K : Repossession L : Charge Off
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>>> The information you disputed has been verified as accurate, however, information unrelated to your dispute has been updated. Account # - 673565980\* The results are: WE VERIFIED THAT THIS ITEM BELONGS TO YOU. THE FOLLOWING FIELDS HAVE BEEN MODIFIED:  
\*ADDITIONAL INFORMATION \*BALANCE \*PAST DUE \*HIGH CREDIT \*DATE OF MAJOR DELINQUENCY 1ST REPORTED \*MONTHS REVIEWED  
\*HISTORICAL ACCOUNT INFORMATION. If you have additional questions about this item please contact: VERIZON WR, PO BOX 650051, DALLAS, TX 75265-0051 Phone: (800) 862-1922

**VERIZON WIRELESS/SOUTHEAST** PO BOX 650051 DALLAS TX 75265-0051 : 8008621922  
Account Number 673565980\* Date Opened 07/19/2019 High Credit \$173 Credit Limit Terms Duration Terms Frequency Months Rev'd Activity Designator Creditor Classification  
01

Item as of Date	Balance Reported	Amount Past Due	Use of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date of Last 1st Paid	Charge Off Amount	Deferred Pay Balance Pay	Balance Pay	Date Closed
10/03/2020	\$173	\$173	Open			08/20/19	08/20/19				
Type of Account: Telecommunication/Cellular Individual Account Portfolio Indicator: Portfolio Status											

**ADDITIONAL INFORMATION:**

Consumer Disputes This Account Information

Collection Account

Telecommunications/Cellular

Historical Account Information									
	Balance	Scheduled Payment Amount	Actual Payment Amount	Date of Last Payment	High Credit	Credit Limit	Amount Past Due	Type of Loan	Activity Designator
09/20	No Data Available								
08/20	No Data Available								
07/20	\$ 173				\$ 173		\$ 173	Telecommunication/Cellular	
06/20	\$ 173				\$ 173		\$ 173	Telecommunication/Cellular	
05/20	No Data Available								

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